

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MICHAEL TOBIN,

Defendant.

8:08CR137

ORDER

This matter is before the court on the motion of Assistant Federal Public Defender Jeffrey L. Thomas and the Office of the Federal Public Defender to withdraw as counsel for the defendant, Michael Tobin (Tobin) (Filing No. 17). Mr. Thomas represents he has a conflict of interest in this matter. Mr. Thomas's and the Office of the Federal Public Defender's motion to withdraw (Filing No. 17) is granted. Barbara J. Thielen, P.O. Box 7567, Omaha, NE 68107-7567, (402) 733-7766, is appointed to represent Tobin for the balance of these proceedings pursuant to the Criminal Justice Act. Mr. Thomas shall forthwith provide Ms. Thielen with the discovery materials provided the defendant by the government and such other materials obtained by Mr. Thomas which are material to Tobin's defense.

The clerk shall provide a copy of this order to Ms. Thielen, and she shall file her appearance forthwith.

Tobin will be given **until May 1, 2008**, in which to file any pretrial motions in accordance with the progression order (Filing No. 14). The ends of justice have been served by granting such additional time to file pretrial motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting such time, i.e., the time between **April 24, 2008 and May 1, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B). The trial of this matter will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline.

IT IS SO ORDERED.

DATED this 10th day of April, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge